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SUBJECT: SERBIA: ICTY PROSECUTOR CALLS FOR ARREST OF REMAINING
FUGITIVES, LOCAL PROSECUTOR SKEPTICAL

REF: BELGRADE 357

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Summary

11. (SBU) The Hague Tribunal Chief Prosecutor Serge Brammertz urged Serbian authorities to increase cooperation with the Court and, in particular, to arrest the four remaining Serb fugitives. Serbian officials used Brammertz's first visit to Belgrade to underscore their anger with the Tribunal's recent acquittal of Kosovo Albanian Ramush Haradinaj. Local War Crimes Prosecutor Vladimir Vukcevic argued that the Haradinaj verdict was negatively impacting other war crimes cases, particularly Vojislav Seselj's trial in The Hague and the Bytqi brothers' case in Belgrade. End Summary.

Brammertz Calls for Arrests and Cooperation

12. (U) During his April 17 visit to Belgrade, local media reported, Chief Prosecutor of the International Criminal Tribunal for the Former Yugoslavia (ICTY) Serge Brammertz said it was imperative that Serbia bring to justice the remaining four ICTY fugitives, Ratko Mladic, Radovan Karadzic, Goaran Hadzic and Stojan Zupljanin. Brammertz called upon Serbia to increase cooperation with The Hague Tribunal, facilitate the Tribunal's access to Serbian documents, and release Serbian witnesses from the obligation to keep state secrets, Serbian press reported.

Haradinaj Acquittal Fallout

13. (U) Serbian officials told Brammertz of their disappointment with the Haradinaj verdict (reftel). According to a statement

his office released following the meeting with Brammertz, Prime Minister Vojislav Kostunica told Brammertz that the Haradinaj acquittal brought the court's legitimacy into question. The statement from President Boris Tadic's office noted the President's concern about the "unjust" verdict, the Serbian public's displeasure, and the expectation that Brammertz would appeal the acquittal. Nonetheless, the President's statement stressed that Serbia was doing everything possible to fully cooperate with the ICTY. "It is not only Serbia's moral obligation to complete its ICTY obligations, it is also Serbia's obligation under international and domestic law," Tadic said. Rasim Ljajic, President of the National Council for ICTY Cooperation told Brammertz that the verdict was having a negative impact on the current political situation.

Impact on Seselj Trial

14. (SBU) Serbia's War Crimes Prosecutor, Vladimir Vukcevic, told the embassy's resident legal advisor (RLA) on April 16 that Haradinaj's acquittal had an unfortunate influence on the Hague trial of Serbian Radical Party (SRS) leader, Vojislav Seselj. Vukcevic said Seselj was applying the same court strategy as Haradinaj -- intimidation of witnesses -- having seen how successful this tactic had been in the Haradinaj case. Some witnesses, including a collaborator who had previously testified in the Ovcara case before the Belgrade Court, had already expressed their hesitation and security concerns about testifying, Vukcevic said. (The Ovcara case is named after a farm near Vukovar in Eastern Croatia where Serb forces massacred prisoners in 1991.)

Bytyqi Case Update

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15. (SBU) Vukcevic told RLA that the effects of the Haradinaj verdict were apparent in the ongoing trial of the Bytyqi brothers, three U.S. citizens murdered in 1999. Vukcevic said the trial was going well and he expected the conviction of two defendants who aided and abetted the illegal detention of the Bytyqi brothers. Nonetheless, he noted that Haradinaj's release and eventual acquittal and Kosovo's declared independence had taken their toll. Witnesses and Ministry of Interior suspected accomplices showed new resolve to protect the guilty. Vukcevic said that the prosecutor in the case increasingly met "with a wall of silence" in his examination of witnesses, who apparently showed felt newly empowered to protect the guilty. Vukcevic said the prosecutor was convinced that special forces deputy commander Goran Radosavljevic "Guri" (in direct chain of command of the Petrovo Selo camp, site of the Bytyqi brothers murder) knew of or approved the murder and that he had instructed and intimidated witnesses in this case. Vukcevic implied that the forces around Guri might be behind threat letters recently sent to the prosecutor, which had been shared with the FBI for analysis.

Comment

16. (SBU) Brammertz's trip did little to address local anger in the wake of the Haradinaj acquittal. Rightly or wrongly, Serbs took that decision as yet another instance of the international community taking Kosovo's side -- or at least, that is how the story will be played for some time. The unpopular and perceived unjust decision allows some Serbs to wash their hands of the Tribunal, shedding their obligation to comply with efforts to arrest war crimes suspects or take seriously the trials those they have in hand. In this election season, such recalcitrance and anti-West sentiment plays to the Radicals' hand, making it harder for the pro-EU camp to make its case. End Comment.
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